

REMARKS

Applicants have carefully reviewed and considered the Office Action mailed on May 30, 2003, and the references cited therewith.

Claims 1, 8, and 16 are amended; as a result, claims 1-27 are now pending in this application. These amendments are consistent with the original filed specification and are therefore believed to be appropriate. Moreover, the specification was amended to fill in the serial numbers of the related U.S. applications as was requested by the Examiner.

§102 Rejection of the Claims

Claims 1, 4, 7-10, 13, 14, 16, 17, 20 and 21 were rejected under 35 USC § 102(e) as being anticipated by Adams et al. (U.S. 6,314, 343). It is fundamental that in order to sustain an anticipation rejection that each and every element or step in the rejected claims must be taught or disclosed in the cited reference. Here, Applicants' amended independent claims 1, 8, and 16 recite regions and views that present graphical data, and there is no such teaching or disclosure in the Adams reference.

More specifically, Adams teaches an aircraft flight mode selector system for displaying printed text messages on a display. *E.g.*, Adams, col. 2, lines 57-60. Adams does not teach or even suggest how a soft switch defined in Adams can be used with a display having graphical data. In fact, the display taught in Adams does not include regions but rather fields of a single region. *Emphasis added*. The fields are predetermined based on a single region that defines the entire display area. Therefore, there is no ability in Adams to present graphical data within a region. This is why Adams defines its displayable area as a display screen with predefined fields, why Adams presents only text information within the fields, and why Adams discusses a plurality of fields as menus. The fact that Adams cannot present graphical data has also been acknowledged by the Examiner with respect to the obviousness rejections levied with respect to claims 2, 5, 11, 12, 18, 19, and 22-27, which include limitations that require graphical capabilities. Remarks with respect to these rejections are discussed more fully below.

Furthermore, Applicants would like to point out that in Adams, it is the hardwired switches which when activated cause soft switches to be activated (*e.g.*, 72 of FIG. 3). The soft

switches are not capable of being activated, and it is not taught how these soft switches can be activated, without first accessing an initial hardwired switch to activate at least some of the soft switches. In fact, it is the hardwired switches that drive and initiate the soft switches in Adams.

Therefore, the rejections with respect to claims 1, 4, 7-10, 13, 14, 16, 17, 20 and 21 are no longer sustainable and should be withdrawn.

§103 Rejection of the Claims

Claims 2, 3, 11, 12, 18 and 22-27 were rejected under 35 USC § 103(a) as being unpatentable over Adams et al. in view of Briffe et al. (U.S. 6,057,786). To render an invention obvious based on a combination of cited references there must be some motivation to combine the references. Furthermore, any such proposed combination must not render the references invalid for their stated teachings or teach away from the references. *In re Grasselli*, 713 F.2d 731, 743 (Fed. Cir. 1983).

In Briffe, there is no teaching of soft keys as is recited in Applicants' independent claims. Briffe teaches presenting superimposed graphical information on a variety of different displays, not a single display. *Emphasis added*. Briffe is concerned with the proliferation of controls needed by a pilot and copilot during operation of an aircraft. Accordingly, Briffe proposes creating a graphical system, similar to a normal PC where the pilots and copilots access options with more automated input devices, such as a track ball (similar to a mouse), a keyboard, and a voice recognition system. Briffe, col. 9, lines 24-46. Briffe is not interested in added yet more controls within the aircraft and to do this would defeat the very purpose of Briffe. Correspondingly, there would be no motivation by one of ordinary skill in the art to modify Briffe with Adams in order to provide yet more controls for pilots to use as input devices within an aircraft, and in fact the teachings of Briffe teach away from this by teaching different input devices.

Thus, there is no motivation to combine Briffe and Adams and any such combination would run contrary to the teachings of Briffe. Therefore, the rejections of claims 2, 3, 11, 12, 18 and 22-27 should be withdrawn.

Claim 5 was rejected under 35 USC § 103(a) as being unpatentable over Adams et al. in view of Walker (U.S. 6,279,017). Again, Applicants cannot find motivation for combining

Walker and Adams by one of ordinary skill in the art. Walker makes a single passing reference to aircraft heads-up display and then proceeds to teach and elaborate technique for increasing human comprehension with respect to reading words. Walker adds effects to words to increase comprehension and reorders words of a sentence to present a better understandable version of a sentence. Adams has no desire or motivation to alter what words or sentences that are displayed to a pilot in a cockpit, because to do so would further complicate the display. Pilots are not reading articles for purposes of better comprehension; they are looking for clear, succinct, and readily accessible data. Moreover, in Adams the popup window is associated with a tagged word and not a region of a display. Furthermore, as previously presented Adams at best has one region and any proposed pop-up window would render the whole single region a new view with no other information available.

Accordingly, Applicants find no motivation to combine Adams and Walker and even if this were done, Adams cannot be modified with Walker to achieve the teachings of claim 5, where there are multiple regions having graphical data and at least one of those regions is a popup window, as is recited in claim 5 which includes the limitations of claim 1.

Thus, the rejection with respect to claim 5 should be withdrawn.

Claim 15 was rejected under 35 USC § 103(a) as being unpatentable over Adams et al. in view of Robinson et al. (U.S. 4,651,282). The combination of Adams and Robinson fails to teach each and every element of Applicants' claim 15.

Robinson includes its own separate display for its audio device, this display is integrated with the audio panel and there is no teaching in Robinson that this audio device (which includes its own audio panel and audio display) is proximate to a side of a bezel defined by Applicants' amended claim 8. Accordingly, this rejection is not appropriate since there is no disclosure or teaching in Robinson or in Adams, either alone or in combination where the audio panel is proximate to a side of a bezel defined by a panel recited in Applicants' claim 8. Therefore, this rejection should be withdrawn.

Claim 19 was rejected under 35 USC § 103(a) as being unpatentable over Adams. This rejection is no longer valid in view of the argument presented above with respect to Adams and in view of the amendments made to Applicants' claim 16. Accordingly, this rejection should be

withdrawn, since Adams is incapable of displaying graphical data and provides no teaching, disclosure, or suggestion of the same.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney ((513) 942-0224) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 2nd day of September, 2003 (Tuesday following a Federal Holiday).

Candis B. Buending

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